

## Vermont Clean Water Board Meeting Minutes

Date/Time: Wednesday, December 2, 2020, 10:00 am–12:00 pm

Location: [Microsoft Teams Meeting](#)

Details and supporting materials available at: <https://dec.vermont.gov/water-investment/cwi/board/meetings>.

### Clean Water Board Members/Designees:

Susanne Young, Agency of Administration (AoA) Secretary and Clean Water Board Chair

Chris Cochran on behalf of Ted Brady, Agency of Commerce and Community Development (ACCD)

Deputy Secretary

Bob Flint, public member

Joe Flynn, Agency of Transportation (VTrans) Secretary

James Giffin, public member

Julie Moore, Agency of Natural Resources (ANR) Secretary

Anson Tebbetts, Agency of Agriculture, Food and Markets (AAFM) Secretary

Chad Tyler, public member

Public member (vacant)

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### 1. Welcome

- a. The Chair, Secretary Susanne Young convened the meeting at 10:00 am and reviewed the agenda. No action taken.
- b. Secretary Young entertained a motion to approve prior meeting minutes from September 16, 2020. Motion to approve minutes passed.
- c. Secretary Young entertained a motion to approve prior meeting minutes from October 22, 2020 (public hearing). Motion to approve minutes passed.
- d. Secretary Young updated the Board that Chris Louras is no longer serving as a public member and the Administration is working to fill the vacant public member position.

### 2. Review draft SFY 2022 clean water budget

ANR Secretary Julie Moore reviewed the updated draft SFY 2022 clean water budget. No action taken.

### 3. Review summary of public comment on draft SFY 2022 clean water budget

Department of Environmental Conservation (DEC) Water Investment Division Director Neil Kamman reviewed the summary of public comment themes and responses for the updated draft SFY 2022 clean water budget. Mr. Kamman noted an error in the response to theme #5 part 2 that should be omitted from the materials: “Regarding partner support, in light of comments received, the proposed budget provides an additional \$50,000 to further support clean water partner work.”

Discussion followed:

- a. Secretary Moore noted, in response to comments on limited natural resources restoration funds, the clean water budget only includes the Clean Water Fund and the Capital Bill and does not reflect the entirety of money going to clean water. Noted \$6 million in federal funds awarded from the U.S. Environmental Protection Agency (EPA) to DEC through the Lake Champlain Basin Program in Federal Fiscal Year (FFY) 2020. A significant amount of these federal dollars goes to natural resources restoration, including at total \$4.3 million supporting

Vermont Fish and Wildlife Department's wetland acquisition program from FFY 2018 through FFY 2020.

- b. Public Board member Jim Giffin asked if the Administration is supportive of Vermont Housing and Conservation Board's (VHCB) recommended reallocation of funds between its two line items. Secretary Moore indicated the Administration is supportive of the change.
- c. Secretary Young asked if there were any other minor adjustments to the budget. DEC Clean Water Initiative Program (CWIP) Manager Emily Bird shared other minor adjustments made to the draft SFY 2022 budget since the September 2020 version:
  - i. ANR DEC Capital Bill line item "State Match to Clean Water State Revolving Fund Federal Grant" was adjusted to reflect the actual final amount needed, which freed up a very small amount of funds added to the AAFM line item "Water Quality Grants to Partners and Farmers."
  - ii. Moved \$50,000 from ANR Department of Forests, Parks and Recreation (FPR) Clean Water Fund line item "Forestry Skidder Bridges and Water Quality Practices" to ANR FPR Clean Water Fund line item "Implement BMPs at State Forests and Recreational Access Points." The \$50,000 is intended to cover project identification and prioritization efforts under the State Forests and Recreational Access Points initiative.
- d. Public Board member Bob Flint asked the meaning of the asterisk in the "Multi-Sector Innovation, Grant Administration and Partner Support\*" line item. Mr. Kamman responded the asterisk references the footnote explaining the "Multi-Sector Innovation, Grant Administration and Partner Support" line item is included in ANR-DEC's appropriation. Mr. Flint noted importance of continued support for development of innovation/creative solutions, especially in the agricultural sector. Ms. Bird responded that a portion of the line item will be used to continue support and development of innovative approaches.
- e. Public Board member Chad Tyler requested an update on the developed lands implementation program related to the three-acre stormwater general permit, and if this budget includes funds to support compliance. Mr. Kamman responded DEC is developing funding and financing programs to support three-acre stormwater general permit compliance and noted that COVID-19 pandemic affected the banking sector.
- f. Secretary Moore reiterated that the "Lakes in Crisis Fund" line item represents funds dedicated to development of the Lake Carmi Crisis Response Plan. The line item represents a small portion of state and federal funds supporting implementation of the Lake Carmi Crisis Response Plan. A recommendation was made to clarify how this is presented in the budget and improve messaging. Ms. Bird noted that investments made in Lake Carmi watershed and the results of those investments are summarized in the *2019 Lake Carmi Clean Water Progress Report*, which was presented at public meetings and posted on the Restoring Lake Carmi webpage: <https://dec.vermont.gov/watershed/restoring/carmi>. Board members recommended additional outreach and distribution of summary materials to the public.
- g. Mr. Kamman noted that the more detailed breakdown of funding initiatives under the "Multi-Sector Innovation, Grant Administration and Partner Support" line item are provided in the DEC CWIP annual spending plan, typically available in late spring/early summer after the state budget passes. The SFY 2021 DEC CWIP spending plan is behind schedule, as the budget was just authorized this fall. Mr. Giffin recommended noting the clean water budget establishes broad budget categories that will then be administered by state agencies through competitive process.
- h. Mr. Kamman noted that comment from stakeholder organizations pointed out the Clean Water Board's statutory responsibility to notify the Legislature where Clean Water Fund revenue are insufficient and to seek additional revenue streams.

**4. Discuss possible changes to the draft SFY 2022 clean water budget**

Secretary Young led discussion of possible changes to the draft SFY 2022 clean water budget.

Discussion followed:

- a. Mr. Giffin recommended adding a URL to clean water project signs. Secretary Flynn noted the URL would need to be added to existing signs and recommended consideration of a QR code.
- b. Mr. Flint recommended branding Vermont's clean water efforts as a multi-agency coordinated effort.
- c. Mr. Tyler requested update on the potential removal of both Lake Champlain causeways. Mr. Kamman noted the Lake Champlain Basin Program and the DEC Lakes and Ponds Program have investigated and modeling does not suggest removal of the causeways will address the water quality challenges. Secretary Flynn added, with regards to the Missisquoi Bay causeway and bridge project, that it was determined by DEC and others the amount of causeway removed from old roadbed was only extent necessary to remove in terms of water quality. Funds remaining from the project are dedicated to improving water quality in the Missisquoi Bay watershed.
- d. Mr. Giffin requested an update on the Clean Water Fund Program Audit. Secretary Young shared the request for proposals (RFP) was released early 2020 and timing corresponded with the start of the COVID-19 pandemic. No responses were received. The statutory deadline was extended by two years. AoA intends to re-release the RFP very soon with responses due during the Legislative session. If there are no responses to the second RFP, AoA may approach the Legislature to better define the audit scope.
- e. Secretary Young asked if there were any changes to the bottom line in terms of total SFY 2022. Ms. Bird responded there were no changes at this time. The Emergency Board will meet in January and revenue forecast updates will be issued soon after. The Administration will continue to monitor revenue and notify the Board if adjustments are needed.

**5. Adoption of the SFY 2022 clean water budget for recommendation to Governor Scott**

Secretary Young entertained a motion to approve the SFY 2022 clean water budget for recommendation to Governor Scott. Motion to approve the budget passed.

**6. Receive update on Clean Water Service Provider rulemaking process**

DEC Water Investment Division Director Neil Kamman provided an update the Clean Water Service Provider rulemaking process. The draft rule was submitted to the Interagency Committee on Administrative Rules. Public and stakeholder engagement is ongoing. The draft rule is available on the Clean Water Service Delivery Act webpage: <https://dec.vermont.gov/water-investment/statuses-rules-policies/act-76>.

**7. Receive update on Vermont Clean Water Initiative 2020 Performance Report**

DEC Clean Water Initiative Program (CWIP) Manager Emily Bird provided an update on the *Vermont Clean Water Initiative 2020 Performance Report*. The report fulfills the statutory investment report requirement (part 1) and serves as a progress report to the EPA on implementation of the *Phosphorus Total Maximum Daily Loads (TMDLs) for Vermont Segments of Lake Champlain* (part 2). DEC CWIP coordinates the interagency data compilation and report writing and thanks all agency staff members that contributed.

**8. Public comment**

Secretary Young welcomed public comment. Public comment followed from Zack Porter of Conservation Law Foundation and Phil Huffman of The Nature Conservancy and Vermont Housing and Conservation Coalition. Both commenters reiterated written comments submitted during the public comment period, available in the meeting materials.

**9. Other business, determine next steps, closing remarks**

Secretary Young summarized next steps to present the SFY 2022 clean water budget to the Governor and noted some adjustments may be made by the Governor. The Clean Water Board will likely reconvene in February if there are significant changes to revenue projections that require revisiting the budgets.

**10. Adjourn**

Secretary Young entertained a motion to adjourn. Motion to adjourn passed at 11:30 am.

**Supporting Materials:**

1. December 2, 2020 Clean Water Board Virtual Meeting Ground Rules
2. September 16, 2020 Draft Clean Water Board Meeting Minutes
3. October 22, 2020 Draft Clean Water Budget Public Hearing Minutes
4. Memorandum: SFY 2022 Clean Water Budget Public Comment Summary and Response
5. SFY 2022 Clean Water Budget Public Comment Compiled Results (Online Questionnaire Results and Letters/Emails Received)
6. Revised Draft SFY 2022 Clean Water Budget (December 2, 2020)